



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation No.: 9824

Eugene J. ROLLINS et al.

Group Art Unit: 3625

Serial No.: 09/747,656

Examiner: Pond, Robert M.

Filed: December 22, 2000

Title: PROVIDING NAVIGATION OBJECTS FOR COMMUNICATIONS OVER A NETWORK

REPLY BRIEF

Mail Stop Appeal Brief-Patents
The Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. INTRODUCTION

This Reply Brief is being filed in triplicate within two months of the Examiner's Answer dated May 16, 2005. This Brief responds to the new points raised by the Examiner's Answer.

A. The Status of the Claims

Pending: Claims 1-6 and 9-14 are pending.

Withdrawn: Claims 7-8 and 15-17 are withdrawn.

Rejected: Claims 1-6 and 9-14 stand rejected.

Allowed: No claims have been allowed.

On Appeal: Claims 1-6 and 9-14 are appealed.

II. RESPONSE TO EXAMINER'S ARGUMENTS

The Examiner has Improperly Interpreted the Arnold Reference and has Inconsistently Applied its Alleged Teachings to the Claims

Throughout the prosecution of this patent application, the Examiner has continuously attempted to read elements into the Arnold reference that just aren't there. Furthermore, the Examiner has maintained absolutely no consistency in the application of this reference to the Appellants' claims. With each new round of rejection, the Examiner points to a new and different portion or teaching of Arnold that allegedly discloses the invention. Each time, Appellants refute the Examiner to no avail. Here again, after Appellants have filed an Appeal Brief demonstrating the insufficiency of Arnold, the Examiner alleges that yet another portion of Arnold discloses the claimed invention. Appellants find it remarkable that Patent Office has failed to notice the inadequacy of the Arnold reference.

More particularly, since the "Reply and Amendment" filed on January 22, 2004, where Appellants amended claims 1 and 9 to clarify the role of the intermediary in Appellants' invention, Appellants have demonstrated that Arnold does not include such an intermediary. Arnold specifically describes the generation of an electronic document at the a merchant site, which is not an intermediary.

In response, the Examiner has already alleged: 1) "Arnold teaches an intermediary" without any explanation of the operation of this alleged intermediary in generating an updated electronic document (*See* Final Office Action mailed 5/11/04); and 2) that a virtual outlet, described in Arnold, creates a URL that provides a link back from the merchant's URL which discloses the claimed invention (*See* Advisory Action mailed 8/11/04).

Now, the Examiner continues to try to extract disclosures from Arnold which are simply not there. As described in Appellants' Brief on Appeal, Arnold fails to disclose at least the feature of "generating, by the intermediary, an updated second electronic document that includes a second object associated with the first address." The Examiner now argues in the Examiner's Answer that the process allegedly taught by Arnold of generating an updated electronic

document discloses this feature of the invention set forth in claims 1 and 9. The Examiner has previously argued that this feature is described in the Arnold reference by referring to the creation of a URL by a virtual outlet to provide a link back from a merchant's URL (*see* Advisory Action). Apparently, the Examiner equates the virtual outlet with the claimed intermediary.

In Appellants' Brief on Appeal, citations to several passages were provided indicating that the virtual outlet does not generate the second electronic document. Rather, at best, a second electronic document may be generated by the merchant computer device. In response to this argument, the Examiner now alleges that "both the virtual outlet and the selected online merchant contribute to the generation of the second document" (*see* Examiner's answer, page 4). Once again, the Examiner is misinterpreting Arnold.

The Examiner refers specifically to column 6, lines 6-12 of Arnold to support the Examiner's assertions. The passage appears to describe a feature wherein a return URL used to return to the virtual outlet may be sent as part of the URL used by a customer to access a merchant website. The Examiner apparently considers this to be a contribution to the generation of the updated second electronic document by the merchant website. The Examiner appears to be interchanging the concept of a URL, which merely identifies an electronic document, and the electronic document itself. However, even if this URL could be considered a contribution to the generation of the updated website, the URL is not created by the virtual outlet.

The return URL appears to be provided as a hotlink within the virtual outlet webpage that displays the image of a product the customer wishes to order from the merchant (*see* column 6, lines 10-12). However, it is the merchant computer that provides the return link. The URL is supplied by the merchant to the virtual outlet to include in the virtual outlet webpage (*see* column 6, lines 50-60). Furthermore, Arnold explicitly recites that the merchant computer, and not the virtual outlet, "dynamically creates a Web page (e.g., an HTML file) in accordance with the layout and associates the return URL with an icon on the Web page". *See* column 7, lines 62-65.

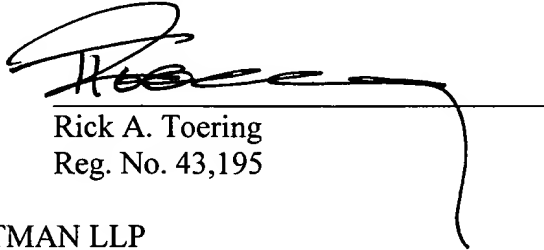
Because Arnold does not disclose at least the feature of generating, by the intermediary, an updated second electronic document that includes a second object associated with the first

address, as claimed in claims 1 and 9, the Examiner's rejection of these claims must be overturned. Claims 2-6 and 10-14 depend from and provided additional features to claims 1 and 9, respectively. As such, the Examiner's rejection of these claims must also be overturned.

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Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



Rick A. Toering
Reg. No. 43,195

PILLSBURY WINTHROP SHAW PITTMAN LLP

P.O. Box 10500

McLean, Virginia 22102

Tel.: (703) 905-2000

Fax: (703) 905-2500